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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/007,627	11/08/2001	Joseph G. Capizzi	KCX-316 (15606)	9974

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DORITY & MANNING, P.A.
POST OFFICE BOX 1449
GREENVILLE, SC 29602-1449

EXAMINER

HALPERN, MARK

ART UNIT	PAPER NUMBER
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1731

DATE MAILED: 03/04/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/007,627	CAPIZZI, JOSEPH G.	
	Examiner	Art Unit	
	Mark Halpern	1731	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 February 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-31 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 6-14, 17-25 and 28-31 is/are rejected.
- 7) ☒ Claim(s) 4, 5, 15, 16, 26 and 27 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>3, 5, 6</u> . | 6) <input type="checkbox"/> Other: |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

- 1) Claims 1-3, 7-9, 11-14, 18-21, 23-25, 29, 31, are rejected under 35 U.S.C. 102(b) as being anticipated by Jenkins (4,184,914).

Claims 1-3, 7, 9, 11-14, 18, 20-21, 23-25, 31: Jenkins discloses formation of a paper web from cellulosic pulp on a continuously moving wire mesh in a papermaking machine. Said formed web progresses to be treated with a foam solution. Further processing includes drying of the web (col. 1, line 5 to col. 2, line 20). The basis weight of the formed paper product is 70 grams per square meter (col. 5, line 35). The application of foam occurs at the dry end (col. 3, lines 17-25) where the moisture content of the web is 5 percent (col. 6, lines 36-60), said moisture content reads on the claimed web solids consistency less than about 95 percent. Jenkins discloses various types of foam applicators and methods of foam application, these include a rolling nip, air knife or Meyer rod (col. 4, line 14, to col. 5, line 19).

Claims 8, 19, 29: application of foam at a nip is disclosed (col. 4, lines 14-25, col. 5, lines 7-17).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

- 2) Claims 6, 17, 28, are rejected under 35 U.S.C. 103(a) as being unpatentable over Jenkins in view of Brown (4,912,948). Jenkins is applied as above for claims 1, 12, 23, Jenkins fails to disclose foam being drawn web with a vacuum slot. Brown discloses foam application to a paper formed web using a vacuum guide (col. 3, lines 9-40). It would have been obvious, to one skilled in the art at the time the invention was made, to combine the teachings of Jenkins and Brown, because such a combination would provide an improved quality control of applying the foam to a moving web.
- 3) Claims 10, 22, 30, are rejected under 35 U.S.C. 103(a) as being unpatentable over Jenkins in view of Edwards (6,511,579). Jenkins is applied as above for claims 1, 12, 23, Jenkins fails to disclose formed web drying accomplished by at least one through-dryer. Edwards discloses the formation of web utilizing foam means wherein the drying is by means of through-air drying (col. 6, lines 14-21). It would have been obvious, to one skilled in the art at the time the invention was made, to combine the teachings of Jenkins and Edwards, because such a combination would expand the means of drying of the web in the design of Jenkins.

Allowable Subject Matter

- 4) Claims 4-5, 15-16, 26-27, objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter:

The primary reason for indication of allowable subject matter is that the cited prior art does not show a method for applying a foam to a web of a tissue paper having a basis weight less than about 120 grams per square meter, wherein the foam is applied to the said web while said web has a solid consistency claimed.

Response to Amendment

- 5) The species restriction issued in the previous Office action is being withdrawn.

Conclusion

- 6) Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark Halpern whose telephone number is 703-305-4522. The examiner can normally be reached on Mon-Fri, (9:00-5:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Steven Griffin can be reached on 703-308-1164. The fax phone numbers for the organization where this application or proceeding is assigned are 703-308-7718 for regular communications and 703-305-3599 for After Final communications.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0651.

A handwritten signature in black ink, appearing to read "M. Halpern", with a long, sweeping horizontal line extending to the right.

Mark Halpern
Patent Examiner
Art Unit 1731

March 3, 2003